

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHRISTOPHER MARK HEADEN,)
)
Petitioner,)
)
v.) 1:13CV3
)
JOSEPH B. HALL,)
)
Respondent.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 24, 2013, was served on the parties in this action.

The court has reviewed those portions of the Recommendation to which Petitioner objects and has made a *de novo* determination. The court finds that the objections do not change the substance of the United States Magistrate Judge's rulings, which are affirmed and adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that Petitioner's habeas petition under 28 U.S.C. § 2254 is dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition after he exhausts his state court remedies. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor

a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

March 18, 2013